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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 JAN -7 P 3:14

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JAN -7 2009

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
H2O, INC. FOR A DETERMINATION OF THE
CURRENT FAIR VALUE OF ITS UTILITY
PROPERTY AND FOR AN INCREASE IN ITS
WATER RATES AND CHARGES FOR UTILITY
SERVICES.

DOCKET NO. W-02234A-07-0557

PROCEDURAL ORDER

BY THE COMMISSION:

On October 1, 2007, H2O, Inc. ("H2O" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a rate increase.

On November 2, 2007, the Commission's Utilities Division Staff ("Staff") filed a Letter of Insufficiency stating that the application did not meet the sufficiency requirements outlined in Arizona Administrative Code ("A.A.C.") R14-2-103.

On November 14, 2007, the Company filed its response to Staff's Letter of Deficiency.

On May 13, 2008, the Company filed an amended application.

On June 11, 2008, Staff filed a second Letter of Deficiency informing the Company that the application did not meet the Commission's sufficiency requirements.

On June 25, 2008, the Company filed its response to Staff's second Letter of Deficiency.

On July 24, 2008, Staff filed a letter indicating the Company's rate application was sufficient, and classifying the Company as a Class B utility.

By Procedural Order issued July 30, 2008, the hearing was scheduled to commence on March 9, 2009, the Company was directed to mail to customers and publish notice of the hearing date, and other procedural timelines were established.

On October 14, 2008, the Company filed its Affidavits of Publication and Mailing of the Public Notice.

On December 2, 2008, H2O filed a Motion to Continue, requesting that the March 9, 2009,

1 hearing date be rescheduled to begin March 23, 2009, due to the unavailability of counsel for the
2 Company on the previously scheduled hearing date.

3 On December 18, 2008, Staff filed a Motion to Continue, requesting that the hearing date in
4 this matter be rescheduled to commence no sooner than May 4, 2009, and that the other filing
5 deadlines be extended accordingly. Staff states that the extension is necessary due to corrected
6 schedules that were filed recently by the Company. Staff represents that counsel for H2O is in
7 agreement with Staff's proposed continuance.

8 On December 22, 2008, the Company's revised schedules were filed in the docket.

9 IT IS THEREFORE ORDERED that Staff's Motion to Continue is granted and the **hearing** in
10 the above-captioned matter **shall be rescheduled to commence on May 4, 2009, at 9:30 a.m.**, at the
11 Commission's Phoenix offices, 1200 West Washington, Phoenix, Arizona 85007.

12 IT IS FURTHER ORDERED that the **original March 9, 2009, at 10:00 a.m., hearing date**
13 **shall be used for the purpose of taking public comment in this matter.**

14 IT IS FURTHER ORDERED that the **pre-hearing conference shall be rescheduled for**
15 **May 1, 2009, at 2:30 p.m.**, at the Commission's Phoenix offices, for the purpose of scheduling
16 witnesses and the conduct of the hearing.

17 IT IS FURTHER ORDERED that the **Staff Report and/or any testimony** and associated
18 exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before
19 **January 23, 2009.**

20 IT IS FURTHER ORDERED that any **testimony and associated exhibits to be presented at**
21 **hearing on behalf of intervenors** shall be reduced to writing and filed on or before **January 23, 2009.**

22 IT IS FURTHER ORDERED that any **rebuttal testimony and associated exhibits to be**
23 **presented at hearing by H2O** shall be reduced to writing and filed on or before **March 3, 2009.**

24 IT IS FURTHER ORDERED that any **surrebuttal testimony and associated exhibits to be**
25 **presented by Staff or intervenors** shall be reduced to writing and filed on or before **April 3, 2009.**

26 IT IS FURTHER ORDERED that any **rejoinder testimony and associated exhibits to be**
27 **presented at the hearing on behalf of H2O** shall be reduced to writing and filed on or before **April**
28

1 22, 2009.

2 IT IS FURTHER ORDERED that the applicable time clock in this matter shall be extended in
3 accordance with the extensions granted herein.

4 IT IS FURTHER ORDERED that, in all other respects, the July 30, 2008, Procedural Order
5 shall remain in full force and effect.

6 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
7 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
8 *pro hac vice*.

9 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
10 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
11 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
12 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the
13 matter is scheduled for discussion, unless counsel has previously been granted permission to
14 withdraw by the Administrative Law Judge or the Commission.

15 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
16 Communications) applies to this proceeding and shall remain in effect until the Commission's
17 Decision in this matter is final and non-appealable.

18 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
19 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

20 IT IS FURTHER ORDERED that the Administrative law Judge may rescind, alter, amend, or
21 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
22 hearing.

23 Dated this 7th day of January, 2009.

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25 
26 DWIGHT D. NODES
27 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE
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1 Copies of the foregoing mailed/delivered
this 7th day of January, 2009 to:

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20 By: Deb Person
21 Debbi Person
22 Secretary to Dwight D. Nodes
23
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